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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/342,280	06/29/1999	STEPHEN M. HEIMAN		6324

7590 08/19/2003  
STEPHEN M HEIMAN  
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EXAMINER

GOODWIN, JEANNE M

ART UNIT PAPER NUMBER

2841

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Art

<b>Office Action Summary</b>	Application No. 09/342,280	Applicant(s) HEIMAN ET AL.	
	Examiner Jeanne-Marguerite Goodwin	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 23 May 2003.
- 2a)  This action is FINAL.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 30-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 30-39 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on 16 March 2001 is: a)  approved b)  disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a)  All b)  Some \* c)  None of:
1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other:

**DETAILED ACTION**

*Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 30, 32-35, 36, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,052,054 to Hampson et al. [hereinafter Hampson] in view of US Patent 5,574,422 to Martin [hereinafter Martin].

Hampson discloses a portable scoreboard system comprising a remote control device (14) including a casing (36), a remote microcontroller (38), data entering means such as a keypad (40), a remote switch (42), remote source of power (44), and an RF transmitter and antenna (46). The system further comprising a main scoreboard (12) including a housing (20), a display panel (22), a main microcontroller (24), a main switch (26), a EEPROM member (30), a timer function (see column 6, lines 1-22), an electro-acoustic device, e.g., sirens, to indicate when the game timer reaches zero, and an RF receiver and antenna (32). Hampson discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 1, i.e., a storage device containing predetermined audio files and means to operate said storage device.

With respect to the limitations stated in claim 1: Martin discloses a talking scorekeeper (10) comprising a remote transmitter (16/104) and a user interface (12) including a display (14), a speaker (42), a microphone (44), an antenna (62) to receive signals from the wireless remote, an addressable voice chip having pre-recorded audible signals (see column 3, lines 53-62), a microcontroller is connected to the voice chip, the user interface and the display board.

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add the addressable voice chip having pre-recorded audible signals and microcontroller system, as taught by Martin, to the main scoreboard, as taught by Hampson, in order to eliminate the need for players to visually track the scoreboard to discover errors and incorrect scoring, as already suggested by Martin.

With respect to claims 30 and 32-34: the method steps will be met during the normal operation of the device stated above.

3. Claims 31 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Hampson and Martin in view of US Patent 6,144,620 to dePoortere [hereinafter dePoortere].

Hampson and Martin disclose a device as stated above with regards to claims 35, 36, 38 and 39. Hampson and Martin disclose all the subject matter claimed by applicant with the exception of the limitation stated in claim 37, i.e., a second timer to keep track of time for predetermined short intervals.

With respect to the limitation stated in claim 37: dePoortere discloses a sport timing device comprising three timers, e.g., a fifteen minute quarter timer-in which when the time elapses in the quarter, the timer automatically returns to 15 minutes, a twenty-five second timer-the period of time in which the offense has to commence a play and a 60 second time out timer. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add the three timers, as taught by dePoortere, to the portable scoreboard

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system, as taught by Hampson and Martin, in order to be adapted for a different game, e.g., football.

With respect to claim 31: the method step will be met during the normal operation of the device stated above.

#### *Inventorship*

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

#### *Response to Arguments*

5. Applicant's arguments with respect to claims 30-39 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 disclose related devices. US Patent 6,603,711 to

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Calace discloses a remote timekeeping device for controlling sports clock; and US Patent 6,270,431 to Martin discloses a talking scorekeeping device.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (703) 305-0264. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JMG  
Aug. 9, 2003



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